

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

10/02/00  
jc685 U.S. PTO

Applicant: William J. McBRIDE et al.

Title: RADIOMETAL-BINDING  
PEPTIDE ANALOGUES

Prior Appl. No.: 08/893,749

Prior Appl. Filing Date: 7/11/1997

Examiner: Unassigned

Art Unit: Unassigned

jc882 U.S. PTO  
09/676783  
10/02/00

**DIVISIONAL PATENT APPLICATION**  
**TRANSMITTAL LETTER**

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

☐ Divisional ☒ Division ☐ Divisional-In-Part (CIP)

of the above-identified co-pending prior application in which no patenting, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. The entire disclosure of the above-identified prior application is considered as being part of the disclosure of the accompanying continuing application and is hereby incorporated by reference therein.

Enclosed are:

- ☒ Specification, Claim(s), and Abstract (55 pages).
- ☒ Copy of Declaration and Power of Attorney (2 pages).
- ☒ Small Entity statement.
- ☒ Preliminary Amendment
- ☒ Information Disclosure Statement.
- ☒ Form PTO-1449 (2 pgs.)

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$710.00	\$710.00
Total Claims:	21	- 20	= 1	x \$18.00	= \$18.00
Independents:	1	- 3	= 0	x \$80.00	= \$0.00
If any Multiple Dependent Claim(s) present:				+ \$270.00	= \$0.00
				SUBTOTAL:	= \$728.00
[ X ]				Small Entity Fees Apply (subtract ½ of above):	= \$364.00
				TOTAL FILING FEE:	= \$364.00

- [ X ] A check in the amount of \$364.00 to cover the filing fee is enclosed.
- [ ] The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.
- [ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date October 2, 2000

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Applicant or Patentee: William McBride et al

Serial or Patent No.: 08/893,749 Atty. Dkt. No. 018735/0804

Filed or Issued: July 11, 1997

For: RADIOMETAL-BINDING PEPTIDE ANALOGUES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) AND 1.27 (c)) — SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Immunomedics, Inc.

ADDRESS OF CONCERN 300 American Road, Morris Plains, New Jersey 07950

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled RADIOMETAL-BINDING PEPTIDE ANALOGUES by inventor(s) described in

☐ the specification filed herewith

☒ application serial no. 08/893,749, filed July 11, 1997

☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities: (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT CORPORATION

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT CORPORATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David M. Goldenberg, Sc.D., M.D.

TITLE OF PERSON OTHER THAN OWNER: Chairman and Chief Executive Officer

ADDRESS OF PERSON SIGNING: 300 American Road, Morris Plains, New Jersey 07950

SIGNATURE: [Signature]

DATE: Sept. 9, 1997